

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

SMITH WHOLESALE CO., INC., ET AL.)
)
v.) NO. 2:03-CV-30
)
R. J. REYNOLDS TOBACCO COMPANY)

ORDER

For the reasons set out in the Memorandum Opinion that accompanies this order, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation [Doc. 313] is **ADOPTED** and **APPROVED**, and that the Motion to Summary Judgment filed by the defendant is **GRANTED**, and the plaintiffs' complaints are **DISMISSED**. [Doc. 164]. This order renders the defendant's Motion for Stay Pending Arbitration and Motion in Limine MOOT. [Docs. 294 and 213]. It is also hereby **ORDERED** that the Preliminary Instruction issued by this Court on August 6, 2003 is **VACATED**.

ENTER:

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE